

79TH CONGRESS
1ST SESSION

H. R. 4566

[Report No. 1186]

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 1945

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

NOVEMBER 5, 1945

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

For the development and control of atomic energy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 FINDINGS AND DECLARATION OF POLICY

4 SECTION 1. Research and experimentation in the field
5 of nuclear fission has attained the stage at which the release
6 of atomic energy on a large scale is practical. The proper
7 development and utilization of such energy will advance the
8 national welfare, secure the national defense, insure the na-
9 tional safety, and promote world peace, to an extent and
10 by means which cannot now be measured. The misuse of
11 such energy, by design or through ignorance, may inflict

1 incalculable disaster upon the Nation, destroy the general
2 welfare, imperil the national safety, and endanger world
3 peace. In the highest national interest, and to protect the
4 national existence, it is essential to develop fully the new
5 strength and to promote the enrichment of the national life
6 that can come from knowledge and practical use of this newly
7 tapped source of energy. Accordingly, it is hereby declared
8 to be the policy of the United States, (A) to encourage free
9 research in the field of nuclear energy, and in other scientific
10 fields employing the results or methods of research in that
11 field, and to further the practical application of such research;
12 and (B) in the interest of the Nation and world peace, to
13 control the substantial sources of atomic energy, and such
14 activities concerned with the release and utilization of atomic
15 energy as are on a scale which would constitute a national
16 hazard, or which would be of military or industrial value.
17 The primary objectives of all action taken under this Act
18 to fulfill the foregoing policy shall be the promotion of the
19 national defense, the protection of the safety of the inhabi-
20 tants of the United States, the promotion of world peace,
21 the enrichment of the national life, the promotion of the gen-
22 eral welfare, and the furtherance of the acquisition of knowl-
23 edge concerning atomic energy.

24 THE ATOMIC ENERGY COMMISSION; ADMINISTRATOR

25 SEC. 2. (a) There is hereby established the Atomic

1 Energy Commission (hereinafter called the "Commission")
2 which shall be composed of nine members, who shall be
3 appointed by the President, by and with the advice and
4 consent of the Senate. The President shall initially appoint
5 three members to serve for three years, three for six years,
6 and three for nine years; and thereafter each member ap-
7 pointed shall serve for a term of nine years, except that a
8 member appointed to fill a vacancy occurring prior to the
9 expiration of the term for which his predecessor was ap-
10 pointed shall be appointed for the remainder of such term.
11 The President shall designate one of the members of the
12 Commission as Chairman. Six of the members shall con-
13 stitute a quorum of the Commission. Members of the Com-
14 mission may be removed by the President only for inability
15 to act, neglect of duty, malfeasance in office, conflict of
16 interests, or because continuance of the member in office
17 would be inimical to the national interest. The members
18 of the Commission, except officers of the armed forces on
19 active duty and civilian members holding other offices or
20 positions under the United States, shall receive a per diem
21 allowance of \$50 for each day spent in meetings or con-
22 ferences of the Commission and all members shall receive
23 compensation for necessary traveling or other expenses
24 incurred while engaged in the work of the Commission.
25 The provisions of sections 109 and 113 of the Criminal

1 Code (U. S. C., 1940 edition, title 18, secs. 198 and 203)
2 shall not be deemed to apply to any person because of
3 membership on the Commission, and members may engage
4 in other occupations or businesses, private or governmental,
5 to an extent not inconsistent with the performance of their
6 duties, and may hold other offices or positions under the
7 United States and receive compensation therefor.

8 (b) The Commission shall meet at least four times in
9 every calendar year.

10 (c) The Commission shall, without regard to the civil-
11 service laws, appoint an Administrator and a Deputy Ad-
12 ministrator who shall not be members of the Commission
13 and shall serve at its pleasure. The Administrator and the
14 Deputy Administrator shall engage in no other occupation
15 or business, and shall receive compensation at the rate of
16 \$15,000 and \$12,000 per year, respectively, in addition
17 to which each shall be reimbursed for necessary traveling
18 expenses.

19 (d) Notwithstanding the provisions of law codified in
20 the United States Code, 1940 edition, title 10, section 576,
21 or title 5, sections 59 (a) and 62, or any other statute, any
22 active or retired officer of the armed forces, the Coast and
23 Geodetic Survey, and the Public Health Service, may serve
24 as a member of the Commission, as Administrator, or as
25 Deputy Administrator, without prejudice to his commis-

1 sioned status as such officer; no retired officer shall be deemed
2 to have been placed on active status by reason of such
3 service; any officer serving as Administrator or as Deputy
4 Administrator shall receive, in addition to his pay from
5 the United States as such officer, an amount equal to the
6 difference between such pay and the compensation pre-
7 scribed in subsection (c).

8 (e) The Commission and the Administrator, within
9 the limits of funds which may be made available, may
10 each employ and fix the compensation of necessary per-
11 sonnel without regard to the provisions of the civil-service
12 laws, the Classification Act of 1923, or any other statute,
13 and may each make such expenditures for supplies, prop-
14 erty, facilities, and services as may be necessary to carry
15 out their respective functions.

16 GENERAL AUTHORITY OF THE COMMISSION AND THE
17 ADMINISTRATOR

18 SEC. 3. (a) The Commission shall have plenary super-
19 vision and control over all matters committed to the juris-
20 diction of the Commission (including the Administrator) by
21 this Act. In the performance of its functions, the Commis-
22 sion shall adopt the policy of (1) full encouragement of free
23 research in the field of nuclear energy, and in other fields
24 employing the results or methods of research in that field,
25 together with the furtherance of the practical application of

1 such research; (2) noninterference with the conducting and
2 disclosure by private persons of research in the field of
3 nuclear energy, or in other fields employing the results or
4 methods of research in that field, where the release of actual
5 amounts of atomic energy involved in such research are not
6 deemed by the Commission to be of military or industrial
7 value or to constitute a national hazard; (3) minimum inter-
8 ference consistent with the accomplishment of the objectives
9 of this Act with the conducting and disclosure of other private
10 research and industrial activities; and (4) employing other
11 Government agencies, educational and research institutions,
12 and private enterprise to the maximum extent consistent
13 with the accomplishment of the objectives of this Act. The
14 activities of the Commission shall be carried on in a manner
15 consistent with the foreign policy and the national defense
16 policy of the United States, as such policies may from time
17 to time be communicated to the Commission by the President.

18 (b) Subject to the direction and supervision of the
19 Commission, the Administrator shall be charged with and
20 responsible for the administration of this Act, and any power,
21 function, duty, authority, or discretion conferred on the
22 Administrator by or pursuant to any provision of this Act
23 shall be exercised or performed under, or subject to, the
24 direction and supervision of the Commission. The Deputy
25 Administrator shall have such authority and exercise such

1 powers as may be delegated to him by the Administrator
2 and, in the absence of the Administrator, or in the event of
3 his inability to act, shall act as Administrator. With this
4 in view, the Deputy Administrator shall at all times be kept
5 fully informed by the Administrator.

6 (c) All Government agencies are directed to render full
7 cooperation, aid, and assistance to the Commission and the
8 Administrator, to effectuate any applicable regulations, orders,
9 and directives of the Commission and the Administrator.
10 With the consent of such agencies, or with the approval of
11 the President, the Commission and the Administrator may
12 themselves utilize and direct the services of officers or em-
13 ployees of other Government agencies.

14 ADVISORY BOARDS

15 SEC. 4. (a) The President may from time to time estab-
16 lish such advisory boards as he deems appropriate to assist
17 in the effectuation of the purposes of this Act, and shall pre-
18 scribe the composition, functions, duties, and duration of such
19 advisory boards. One member of each board shall be desig-
20 nated by the President as chairman thereof.

21 (b) Members of the boards, except officers of the armed
22 forces on active duty and civilian members holding other
23 offices or positions under the United States, shall receive a
24 per diem allowance of \$25 for each day spent in actual meet-
25 ings or conferences, and all members shall receive necessary

1 traveling and other expenses while so engaged. The provi-
2 sions of sections 109 and 113 of the Criminal Code (U. S. C.,
3 1940 edition, title 18, secs. 198 and 203) shall not be
4 deemed to apply to any person because of membership on
5 said boards, and members may engage in other occupations
6 or businesses, private or governmental, to an extent not
7 inconsistent with the performance of their duties, and may
8 hold other offices or positions under the United States and
9 receive compensation therefor. Any active or retired officer
10 of the armed forces, the Coast and Geodetic Survey, and
11 the Public Health Service may serve as a member of an
12 advisory board without prejudice to his commissioned status
13 as such officer, notwithstanding the provisions of law codified
14 in the United States Code, 1940 edition, title 10, section
15 576, or title 5, section 59 (a) or 62, or any other statute;
16 no retired officer shall be deemed to have been placed on
17 active status by reason of service on an advisory board.

18 (c) The Commission and the Administrator shall ad-
19 vise and consult with such advisory boards as may have
20 been established, on matters within their respective spheres
21 of interest, and the boards may make such recommendations
22 to the Commission or the Administrator relating to legisla-
23 tion, policies, procedures, administration, and research as
24 they may deem desirable in the performance of their
25 functions.

1 GENERAL POWERS OF THE COMMISSION AND OF THE
2 ADMINISTRATOR; DELEGATION OF AUTHORITY

3 SEC. 5. (a) In the performance of its functions, the
4 Commission is authorized—

5 (1) to make and modify agreements, arrange-
6 ments, and contracts (including where deemed advis-
7 able cost-plus-fixed-fee contracts but not cost-plus-a-
8 percentage-of-cost contracts), upon such terms and con-
9 ditions and in such manner as may be deemed necessary
10 to facilitate the purposes of this Act, without regard to
11 the provisions of law relating to the making, perform-
12 ance, amendment, or modification of contracts;

13 (2) to make advance, partial, and other payments
14 in connection with contracts;

15 (3) from time to time, to adopt and amend such
16 rules and regulations as may be necessary to carry out
17 the provisions of this Act, which shall be published in
18 the Federal Register where deemed by the Commission
19 to be of general application and where not inconsistent
20 with considerations of national defense or military
21 security;

22 (4) to bring suit in its own name, or in the name
23 of the United States, in any court, State or Federal,
24 of competent jurisdiction;

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1 (5) to acquire, purchase, lease, and hold real and
2 personal property as agent of and on behalf of the
3 United States, and to sell, lease, grant, and dispose of
4 such real and personal property as provided in this Act;

5 (6) to exercise, in the name and on behalf of the
6 United States, the rights of eminent domain and requi-
7 sition as provided in this Act;

8 (7) to create or organize corporations, the stock
9 of which shall be wholly owned by the United States
10 and controlled by the Commission, to carry out the
11 provisions of this Act;

12 (8) to exercise the duties and authorities of the
13 head of a department of the Government respecting
14 the making of a certificate in the manner and for the
15 purpose provided in section 4894 of the Revised Stat-
16 utes as amended (U. S. C., 1940 edition, title 35,
17 sec. 37);

18 (9) to take all such other action and exercise all
19 such other powers as may be necessary or appropriate
20 for the exercise of the powers and performance of the
21 functions provided in this Act.

22 (b) In the performance of his functions, and subject
23 to the supervision and direction of the Commission, the Ad-
24 ministrators shall also have the powers and authority pro-

1 vided in subsections (a) (1), (2), (4), (5), (6), (8),
2 and (9) hereof.

3 (c) The Administrator may delegate any power and
4 authority conferred upon him by or pursuant to this Act,
5 except that provided in subsections (a) (4), (6), and (8)
6 hereof and that provided in section 11, to any qualified
7 officer, or employee of the Commission, the Adminis-
8 trator, or any other Government agency, and may authorize
9 successive redelegations of such power and authority to such
10 personnel: *Provided*, That any delegation by the Admin-
11 istrator of power and authority to purchase, acquire, or sell
12 real property shall be specific in terms. Nothing in this
13 subsection (c) shall restrict the Administrator's powers of
14 delegation to the Deputy Administrator as provided in
15 section 3 (b).

16 TRANSFER OF CERTAIN GOVERNMENT PROPERTY, AND OF
17 CERTAIN RIGHTS IN OTHER GOVERNMENT PROPERTY,
18 TO THE COMMISSION

19 SEC. 6. (a) There are hereby transferred into the cus-
20 tody and control of the Commission the following property
21 owned by the United States or any of its agencies, or any
22 interest in such property held in trust for or on behalf of
23 the United States:

24 (1) All stocks of the ores or other materials from

1 which the substances known as thorium, uranium (in-
2 cluding uranium enriched as to one of its isotopes), and
3 elements higher than uranium in the periodic table, can
4 be refined or produced;

5 (2) All plants, facilities, equipment, and materials
6 for the refining, or production, or for the utilization, in
7 any form, of the substances described in subsection
8 (a) (1);

9 (3) All stocks, on hand or in process, of the sub-
10 stances described in subsection (a) (1);

11 (4) All processes and technical information of any
12 kind, and the sources thereof (including data, drawings,
13 specifications, patents, patent applications, and other
14 sources), relating to the refining, production, or utiliza-
15 tion of the substances described in subsection (a) (1);

16 (5) All contracts, agreements, leases, patents,
17 applications for patents, inventions and discoveries
18 (whether patented or unpatented), and other rights of
19 any kind concerning any items of the types of property
20 described in subsections (a) (1) to (a) (4);

21 (6) All property in the custody and control of the
22 Manhattan Engineer District, Army Service Forces,
23 Army of the United States.

24 (b) (1) The Commission, and the Administrator, their
25 agents, and persons licensed for that purpose under section

1 11, shall hereafter have the exclusive right, with respect to
2 Government-owned deposits and land (public and acquired),
3 (A) to prospect and explore for, and to mine and remove
4 deposits from which there can be refined or produced appre-
5 ciable quantities (as defined from time to time by regulations
6 of the Commission) of substances described in subsection (a)
7 (1), or of substances to which the application of this para-
8 graph is extended pursuant to paragraph (2) of this subsec-
9 tion, and no person may hereafter acquire any such right
10 under any other law; and (B) to protect, preserve, and
11 guard any such deposits whenever the right so to do is re-
12 quested by the Commission or the Administrator. The Com-
13 mission or the Administrator shall give reasonable advance
14 notice to the head of the Government agency having juris-
15 diction over the land or deposits of the intention to exer-
16 cise any of the foregoing rights. All Government-owned
17 deposits and lands (public and acquired) shall, except as
18 herein provided, continue to be administered and disposed
19 of under the laws applicable thereto, but hereafter all patents,
20 conveyances, grants, leases, and other transfers of any right,
21 title, or interest in or to any such deposits or lands shall
22 reserve to the United States, for its benefit and the benefit
23 of its agents, assigns, and persons licensed for that purpose
24 under section 11, the exclusive right to prospect and explore
25 for, and to mine and remove deposits from which there can

1 be refined or produced appreciable quantities (as defined
2 from time to time by regulations of the Commission) of
3 substances described in subsection (a) (1) and of sub-
4 stances to which, at the time of the transfer, the application
5 of this paragraph has been extended pursuant to paragraph
6 (2).

7 (2) Whenever the Commission determines that any sub-
8 stance in addition to those described in subsection (a) (1)
9 is readily capable of or peculiarly related to transmutation
10 of atomic species, production of nuclear fission, or release of
11 atomic energy, it is authorized to extend the application of
12 paragraph (1) to such substance. Notice of such extension
13 shall be published in the Federal Register.

14 (3) Any person who suffers damage or injury to any
15 right, title, or interest which he has in or to any property,
16 occasioned by the exercise of any right granted or reserved
17 under paragraph (1), shall be entitled to receive compensa-
18 tion for such damage or injury, but such compensation shall
19 not include any payments on account of the deposits in ques-
20 tion. The Administrator is authorized to settle and pay
21 claims for such compensation.

22 (c) The President is authorized to provide, upon such
23 terms and conditions as he may prescribe (including terms
24 and conditions for reimbursement or nonreimbursement),
25 for the transfer to the control, possession, and use of the

1 Commission of such other property of the United States as
2 he may from time to time deem necessary and proper for
3 the purposes of the Commission.

4 POWER OF COMMISSION TO REQUIRE DECLARATIONS OF
5 CERTAIN PROPERTY, AND TO ACQUIRE, REQUISITION,
6 AND CONDEMN CERTAIN PROPERTY

7 SEC. 7. (a) All persons knowing or having reason to
8 believe that they have any right, title, interest, or claim in
9 or to any property of the following types, which the Commis-
10 sion has determined is peculiarly related to the transmutation
11 of atomic species, the production of nuclear fission, or the
12 release of atomic energy:

13 (1) ores, metals, minerals, and other substances or
14 materials;

15 (2) real property, plants, mines, facilities, and
16 equipment;

17 (3) technical information of all kinds;

18 (4) patents, applications for patents, inventions and
19 discoveries (whether patented or unpatented), and rights
20 thereunder; and

21 (5) contracts, agreements, leases, and rights;

22 shall at such time or times, in such form and manner, and
23 to such extent as the Commission or the Administrator may
24 prescribe, declare the same to the Commission.

25 (b) Whenever the Commission deems such action essen-

1 tial to the performance of its functions the Commission or
2 the Administrator is authorized, on behalf of and as agent of
3 the United States, to acquire or purchase, within the United
4 States or elsewhere, and to take, requisition, or condemn,
5 within the United States, as the case may be, any property
6 of a type with respect to which a declaration can be required
7 under subsection (a) of this section.

8 (c) In the performance of its functions under this Act,
9 the Commission is authorized to conduct, or to provide for
10 the conducting by the Administrator of, exploratory oper-
11 ations or investigations to determine the locations, extent, and
12 mode of occurrence of deposits of any ores, metals, minerals,
13 or substances, with or without the consent of any person hold-
14 ing any interest in the property so affected, but such persons
15 shall be entitled to receive compensation for any damage or
16 injury to their interests in such property, occasioned by the
17 exercise of the authority of the Commission or Administrator
18 under this subsection, and the Administrator may settle and
19 pay claims for such compensation.

20 COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

21 SEC. 8. (a) The United States shall make just compen-
22 sation for the personal property acquired, taken, or requisi-
23 tioned pursuant to section 7. The Commission shall de-
24 termine such compensation. If the compensation so de-
25 termined be unsatisfactory to the person entitled thereto,

1 such person shall be paid 90 per centum of the amount
2 so determined, and shall be entitled to sue the United
3 States to recover such further sum as added to said 90 per
4 centum will make up such amount as will be just compen-
5 sation.

6 (b) In the exercise of the rights of eminent domain and
7 condemnation, the Commission or the Administrator shall
8 cause proceedings to be instituted under the Act of August 1,
9 1888 (U. S. C., 1940 edition, title 40, sec. 257), or any
10 other applicable Federal statute. Upon or after the filing of
11 the condemnation petition, immediate possession may be
12 taken and the property may be occupied, used, and improved
13 for the purposes of this Act, notwithstanding any other law.
14 Real property acquired by purchase, donation, or other means
15 of transfer may also be occupied, used, and improved for the
16 purposes of this Act, prior to approval of title by the Attor-
17 ney General.

18 INVENTORIES OF PROPERTY

19 SEC. 9. Within three months after the enactment of this
20 Act, the Administrator shall compile a preliminary inventory
21 of the property of the United States subject to the jurisdiction
22 of the Commission, and shall prepare a complete inventory
23 as soon thereafter as possible. Every year thereafter the
24 Administrator shall compile supplementary inventories, indi-

1 cating all changes in such property. A copy of each inven-
2 tory compiled by the Administrator shall be submitted to
3 the President, and be transmitted by the President to the
4 Congress. The President before transmitting any such copy
5 to the Congress may omit therefrom any portions the omis-
6 sion of which he deems required in the interests of national
7 defense and military security, but the fact of each such
8 omission shall be noted on the copy so transmitted. Nothing
9 in this section shall affect the power of the Congress, or of
10 either House thereof, or of any standing or select committee
11 of either House thereof, or of any joint committee of the two
12 Houses thereof, to require the furnishing to it of the infor-
13 mation so omitted.

14 ACTIVITIES OF COMMISSION

15 SEC. 10. (a) The Commission is authorized to conduct,
16 or provide for the conducting by the Administrator of,
17 research and experimentation in the field of nuclear
18 fission, the transmutation of atomic species, and closely
19 related phenomena, and to proceed with the development
20 of any and all processes or methods for the release of atomic
21 energy, and for the exploitation and use thereof for military,
22 industrial, scientific, or medical purposes: *Provided, however,*
23 That it shall be the policy of the Commission and of the
24 Administrator, in accord with the objectives of this Act, to
25 utilize, encourage, and aid colleges, universities, scientific

1 laboratories, hospitals, and other governmental, nonprofit,
2 or private institutions equipped and staffed to conduct re-
3 search and experimentation in this field. The Commission
4 may also engage, or authorize the Administrator to engage,
5 in all such related activities as may be deemed necessary for
6 the proper performance of these functions. In performing
7 any of the functions under this section, the Commission and
8 Administrator may construct, establish, and operate all neces-
9 sary plants and facilities, may modify and use any or all of
10 the property available to the Commission, and may employ
11 such personnel as may be necessary. Without regard to
12 the civil-service laws or any other statute, the Commis-
13 sion and Administrator, may also arrange by contract or
14 otherwise, with other persons to engage in any of the fore-
15 going activities on behalf of the Commission, and subject
16 to its supervision.

17 (b) No other Government agency, except the armed
18 forces for military purposes in time of war or national emer-
19 gency and at the direction of the President, shall undertake or
20 engage in such activities without the consent of the Com-
21 mission or the Administrator and upon such conditions as
22 the Commission, or the Administrator with the approval
23 of the Commission, may prescribe.

24 (c) In the administration of this Act, the Commis-

1 sion, the Administrator, and their agents and licensees shall,
2 so far as feasible, protect and conserve all natural resources.

3 LICENSING OF THE COMMISSION'S PROPERTY

4 SEC. 11. (a) The Commission is authorized to license,
5 or to provide for the licensing by the Administrator of, any
6 or all of the property available to the Commission, without
7 regard to the provisions of the Surplus Property Act of 1944
8 or of any other statute, to any person or Government agency
9 for (1) research and experimentation in nuclear fission or
10 the transmutation of atomic species; (2) the development,
11 exploitation, and use of processes or methods for the release
12 of atomic energy; (3) any use of such property where it is
13 deemed advisable for the purposes of this Act to retain con-
14 trol or supervision in the Commission over the property; its
15 utilization, or disposition; or (4) any other purpose related
16 to the purposes of this Act, except that the Commission and
17 the Administrator shall not license any complete plant or
18 facility to any private person until sixty days after a full
19 report to the Congress of the intention to grant such license,
20 and the reasons therefor, shall have been made while the
21 Congress is in session. No such license for purposes (1),
22 (2), or (3) shall be given by the Commission or the Ad-
23 ministrator to a foreign government or any person who is not
24 under and within the jurisdiction of the United States, with-
25 out the approval of the President.

1 (b) The Commission is authorized to make grants or
2 loans of funds, or to provide for the granting or lending of
3 funds by the Administrator, for research, experimentation,
4 or development in nuclear fission, the transmutation of atomic
5 species, or the release of atomic energy.

6 (c) It shall be a condition of all licenses given, and
7 grants and loans made, pursuant to this section that the
8 holder, grantee, or borrower shall file with the Commission
9 such reports concerning the use of the licensed property or
10 the grants or loans, and related matters, as the Administrator
11 or the Commission may require. The Commission may im-
12 pose, or authorize the Administrator to impose, such other
13 terms and conditions upon the licensee, grantee, or borrower
14 as may be deemed advisable and appropriate in the national
15 interest, and as are in accord with the policies set forth in
16 sections 1 and 3 (a).

17 (d) In the performance of their functions under this
18 section and section 13, the Commission and the Adminis-
19 trator shall adopt the policy of (1) widespread distribution,
20 so far as feasible, of such licenses, grants, loans, and consents
21 on equally equitable terms to all qualified persons, and (2)
22 discouraging the growth of monopoly, restraint of trade, and
23 unlawful competition in the trades and industries affected
24 by such licenses, grants, loans, and consents. The Commis-

1 sion and the Administrator shall promptly report to the At-
2 torney General any evidence which they may have (1) of
3 the use of property licensed or of grants or loans made under
4 this section or (2) of action under any consent granted under
5 section 13, which fosters monopoly, restraint of trade, or
6 unlawful competition.

7 DISPOSAL OF SURPLUS PROPERTY

8 SEC. 12. Whenever the Commission determines that
9 control over any property of the United States of which
10 the Commission has jurisdiction, or that the disposition of
11 such property under section 10 or 11, is no longer neces-
12 sary to carry out the purposes and provisions of this Act,
13 it shall report such property to the appropriate Govern-
14 ment agency concerned with the utilization and disposi-
15 tion of such property, and shall turn over or dispose of
16 such property pursuant to the orders of such agency: *Pro-*
17 *vided*, That the Commission shall itself be authorized (with-
18 out regard to the Surplus Property Act of 1944 or any
19 other statute) to sell or return any real or personal prop-
20 erty, on such terms and conditions as it deems proper, to
21 the person from whom such property was acquired, and
22 his heirs or assignees, or to the present occupants or holders
23 of such property: *And provided further*, That the Commis-
24 sion shall return any such property to the Government
25 agency from which it was acquired.

1 CONTROL OF PRIVATE ACTIVITIES

2 SEC. 13. (a) It shall be unlawful for any person with-
3 out the consent of the Administrator and upon such condi-
4 tions as he, with the approval of the Commission, may
5 prescribe—

6 (1) to refine, produce, or process any appreciable
7 quantity, as defined by regulations of the Commission,
8 of the substances described in section 6 (a) (1) or
9 any ores or materials known to be capable of producing
10 such substances;

11 (2) to use, process, manufacture, or utilize, in any
12 manner, any appreciable quantity, as defined by regula-
13 tions of the Commission, of the substances described
14 in section 6 (a) (1).

15 (b) It shall be unlawful for any person to export from
16 or import into the United States ores or other materials
17 containing any appreciable quantity, as defined by regula-
18 tion of the Commission, of the substances described in sec-
19 tion 6 (a) (1), or such substances, for any purpose, until
20 after application has been made to the Administrator and
21 the Administrator's consent has been obtained, including in
22 such application a sworn statement as to the quantity, desti-
23 nation, consignee, and intended use of the material being
24 exported or imported, together with such other information
25 as the Commission may require. The Commission may pro-

1 hibit or condition the exportation or importation of the mate-
2 rials described above in such manner as it finds to be required
3 by the policies and purposes of the Act.

4 (c) The Commission is authorized to extend the provi-
5 sions of subsections (a) or (b) to any other metal or sub-
6 stance determined by the Commission to be readily capable of
7 or peculiarly related to the transmutation of atomic species,
8 the production of nuclear fission, or the release of atomic
9 energy. Notice of such extensions shall be published in the
10 Federal Register.

11 (d) (1) It shall be unlawful for any person to conduct
12 research in the field of nuclear energy, or in other fields
13 employing the results or methods of research in that field,
14 involving the release of actual amounts of atomic energy
15 which constitute a national hazard, or are of military or in-
16 dustrial value, without the consent of the Administrator, and
17 upon such conditions as the Administrator, with the approval
18 of the Commission, may prescribe.

19 (2) Nothing in this section or in section 16 (3) shall
20 prohibit, or shall subject to the jurisdiction of the Commission
21 or the Administrator, the conducting or disclosure by private
22 persons of research in the field of nuclear energy, or in other
23 fields employing the results or methods of research in that
24 field, unless the release of actual amounts of atomic energy

1 involved in such research constitutes a national hazard or is
2 of military or industrial value.

3 (e) The Administrator and the Commission shall have
4 plenary authority to direct, supervise, regulate, and inspect
5 the activities with respect to which consent has been granted,
6 to the extent necessary to enforce compliance with the con-
7 ditions which have been prescribed in connection with the
8 granting of consent to such activities.

9 REPORTS

10 SEC. 14. As soon as practicable after the close of each
11 fiscal year, the Commission shall submit to the President (a)
12 reports concerning the matters within its jurisdiction and the
13 exercise of its authority under this Act, and (b) financial
14 statements of the Government operations and activities sub-
15 ject to its jurisdiction. The President shall transmit a copy
16 of each report and statement to the Congress. The President
17 before transmitting any such copy to the Congress may omit
18 therefrom any portions the omission of which he deems re-
19 quired in the interests of national defense and military
20 security, but the fact of each such omission shall be noted on
21 the copy so transmitted. Nothing in this section shall affect
22 the power of the Congress, or of either House thereof, or
23 of any standing or select committee of either House thereof,
24 or of any joint committee of the two House thereof, to require
25 the furnishing to it of the information so omitted.

1 VOLUNTARY PAYMENTS TO STATES AND LOCALITIES

2 SEC. 15. In order to render financial assistance to those
3 States and local governments in which the activities of the
4 Commission are carried on and in which the Commission, or
5 its agents, have acquired properties previously subject to
6 State and local taxation, the Commission is authorized to
7 make payments to States and local governments in lieu of
8 such taxes. Such payments may be in the amounts, at the
9 times, and upon the terms the Commission deems appro-
10 priate, but the Commission shall be guided by the policy of
11 not exceeding the taxes which would have been payable
12 for such property in the condition in which it was acquired,
13 except where special burdens have been cast upon the State
14 or local government by activities of the Commission, the
15 Administrator, the Manhattan Engineer District, or their
16 agents, and in such cases any benefits accruing to the States
17 and local governments by reason of these activities shall be
18 considered in the determination of such payments. The
19 Commission and any corporation created by it, and the
20 property and income of the Commission or of such corpora-
21 tions, are hereby expressly exempted from taxation in any
22 manner or form by any State, county, municipality, or any
23 subdivision thereof.

24 SECURITY REGULATIONS

25 SEC. 16. Insofar as required by the national defense

1 or by considerations of military security, the Commission
2 is authorized and directed to establish, and to provide for
3 the administration of, security regulations governing the col-
4 lection, classification, dissemination, publication, transmis-
5 sion, handling, and communication by any person of in-
6 formation, data, documents, equipment, and material of any
7 kind relating to or connected with research on the transmu-
8 tation of atomic species, with the production of nuclear fission,
9 or with the release of atomic energy, in all cases where such
10 information, data, documents, equipment, or material have
11 at any time, before or after the passage of this Act, been
12 entrusted to, or come into the knowledge or possession of,
13 any such person (1) by reason of his official duties, or (2)
14 pursuant to a contract with or license from, or in the course
15 of employment by, the Commission, the Administrator, any
16 other Government agency, their agents, contractors, or
17 licensees, or (3) in connection with activities governed by
18 section 13.

19

GENERAL PENALTIES

20 SEC. 17. (a) Any willful violation or any willful at-
21 tempt to violate, or any conspiracy to violate, any of the
22 provisions of this Act, or of the terms or conditions of any
23 license or consent authorized hereunder, except as provided
24 in section 18, shall be punishable by a fine of not more than

1 \$100,000 or by imprisonment for a term of not exceeding
2 ten years, or both.

3 (b) On application by the Commission or the Admin-
4 istrator, any court of competent jurisdiction is authorized
5 to, and shall, grant injunctive or other appropriate affirmative
6 relief against any violation of any of the provisions of this
7 Act, or of any rule, regulation, license, or consent authorized
8 hereunder.

9 PENALTIES FOR SECURITY VIOLATIONS

10 SEC. 18. (a) Any willful or grossly negligent violation
11 of any security regulation promulgated by the Commission
12 pursuant to section 16 shall, in addition to any other penal-
13 ties, be ground for dismissal from employment by the Com-
14 mission or the Administrator, or for dismissal, at the direc-
15 tion of the Administrator, from employment in connection
16 with activities governed by this Act by other Government
17 agencies, or the agents, holders of consents, or licensees of
18 the Commission, the Administrator, or other Government
19 agencies, without regard to criminal prosecution or convic-
20 tion thereunder.

21 (b) Any violation of security regulations promulgated
22 by the Commission pursuant to section 16 of this Act
23 shall be punishable by a fine of not more than \$500 or, if
24 willful or through gross negligence, shall be punishable by a
25 fine of not more than \$10,000 or by imprisonment for a

1 term not exceeding five years, or both. An attempt to
2 violate or a conspiracy to violate security regulations pro-
3 mulgated by the Commission pursuant to section 16 of this
4 Act shall be punishable in the same manner.

5 (c) Whoever, lawfully or unlawfully, having posses-
6 sion of, access to, control over, or being entrusted with any
7 information, data, documents, equipment, or material of
8 any kind relating to or connected with research on the
9 transmutation of atomic species, with the production of
10 nuclear fission, or with the release of atomic energy, with
11 the intent to jeopardize the interests of the United States,
12 or with reason to believe that his act will have such conse-
13 quences, communicates or transmits, or attempts or con-
14 spires to communicate or transmit the same to any person
15 not entitled to receive it, shall be punished by a fine of not
16 more than \$300,000 or by imprisonment for a term of
17 not exceeding thirty years, or both.

18 DEFINITIONS

19 SEC. 19. As used in this Act—

20 (a) The term "Government agency" means any execu-
21 tive department, board, bureau, commission, or other agency
22 in the executive branch of the Federal Government, or any
23 corporation wholly owned (either directly or through one or
24 more corporations) by the United States.

25 (b) The term "person" means any individual, corpora-

1 tion, partnership, firm, association, trust, estate, political
2 entity, public or private institution, group, or other entity.

3 (c) The term "material" includes any article, com-
4 modity, substance, machinery, accessory, equipment, part,
5 component, assembly, work in process, maintenance, repair
6 and operating supplies, and any product of any kind.

7 (d) The term "United States" includes all Territories
8 and possessions of the United States.

9 (e) The term "license" includes license, lease, loan,
10 sell, furnish, make available, dispose, grant any right or
11 interest.

12 (f) The term "property" includes real property (in-
13 cluding all interests in or pertaining thereto), personal prop-
14 erty, intangible property, plants, equipment, and materials.

15 (g) The term "agent" of the Commission or of the
16 Administrator includes corporations created by the Com-
17 mission, contractors with the Commission or the Adminis-
18 trator, and other agents.

19 APPROPRIATIONS

20 SEC. 20. There are hereby authorized to be appropriated
21 such sums as may be necessary and appropriate to carry out
22 the provisions and purposes of this Act. So much of the
23 unexpended balances of appropriations, allocations, or other
24 funds available for the use of the Manhattan Engineer Dis-
25 trict, Army Service Forces, and all records and all outstand-

1 ing obligations thereof, shall be transferred to the Com-
2 mission for use in connection with the exercise of any of the
3 functions authorized by this Act.

4 SEPARABILITY OF PROVISIONS

5 SEC. 21. If any provision of this Act, or the application
6 of such provision to any person or circumstances, is held
7 invalid, the remainder of this Act or the application of such
8 provision to persons or circumstances other than those to
9 which it is held invalid, shall not be affected thereby.

10 SHORT TITLE

11 SEC. 22. This Act may be cited as the "Atomic Energy
12 Act of 1945".